

THURSDAY, MAY 10, 2001

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Kisber; business reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 121: Rep(s). Hood and Fowlkes as prime sponsor(s).

House Joint Resolution No. 145: Rep(s). Fowlkes as prime sponsor(s).

House Joint Resolution No. 363: Rep(s). Pleasant as prime sponsor(s).

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House Bill No. 825: Rep(s). Goins as prime sponsor(s).

House Bill No. 912: Rep(s). Brooks, Fowlkes, Pruitt and Langster as prime sponsor(s).

House Bill No. 1242: Rep(s). J. DeBerry and Pleasant as prime sponsor(s).

House Bill No. 1633: Rep(s). Langster and Pruitt as prime sponsor(s).

House Bill No. 1721: Rep(s). Arriola and Langster as prime sponsor(s).

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 804; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 134, 213, 232, 233, 234, 235, 236, 237, 243, 244, 245, 246, 247, 248 and 271; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 134** -- General Assembly, Directed Studies - Directs department of economic and community development to study wireless telecommunication service coverage in rural and other low-population areas. by *Cooper J, *Kurita.

***Senate Joint Resolution No. 213** -- Memorials, Congress - Urges governor and congressional delegation to seek emergency appropriation of federal funds to provide cost-share assistance to mitigate damage caused by southern pine beetle epidemic. by *Burchett, *Burks.

Senate Joint Resolution No. 232 -- Memorials, Academic Achievement - Gail Zasowski, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 233 -- Memorials, Academic Achievement - Amy Nachtrab, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 234 -- Memorials, Academic Achievement - Megan Wesley Rand, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 235 -- Memorials, Academic Achievement - Holly Haworth, Salutatorian, Seymour High School. by *Clabough.

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Senate Joint Resolution No. 236 -- Memorials, Academic Achievement - Tessie Harrell, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 237 -- Memorials, Academic Achievement - Heather Lodari, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 243 -- Memorials, Academic Achievement - Daniel Bowen, Valedictorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 244 -- Memorials, Academic Achievement - Kelli Renee Boyd, Co-Salutatorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 245 -- Memorials, Academic Achievement - Amanda Marie Carrington, Salutatorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 246 -- Memorials, Academic Achievement - Steven Jermaine Mitchell, Salutatorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Cashundra Nicole Jefferson, Valedictorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 248 -- Memorials, Public Service - Mayor Jon Kinsey of Chattanooga. by *Crutchfield, *Fowler, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Davis L, *Dixon, *Elsea, *Ford J, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 271 -- Memorials, Retirement - Lions Clubs of Tennessee. by *Crowe, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 14, 2001:

House Joint Resolution No. 369 -- Memorials, Congratulations - Mia Evans, Miss TSU 2001-2002. by *Ridgeway, *Fowlkes, *White.

House Joint Resolution No. 370 -- Memorials, Retirement - Reed Brewer. by *Ridgeway.

House Joint Resolution No. 371 -- Memorials, Academic Achievement - Jason Thomas Goodrum, Valedictorian, Gateway Christian School. by *Ridgeway.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 10, 2001:

Senate Joint Resolution No. 238 -- Memorials, Academic Achievement - Clinton High School Mock Trial Team, State Champions. by *McNally, *Williams.

Senate Joint Resolution No. 240 -- Memorials, Professional Achievement - Cordia Wilkinson Harrington, Woman Business Owner of the Year. by *Jackson, *Blackburn.

Senate Joint Resolution No. 241 -- Memorials, Public Service - Dr. Henry C. Lee, criminologist. by *Jackson.

Senate Joint Resolution No. 242 -- Memorials, Recognition - Ozle Lemuel Allen. by *Cooper J, *Haynes, *Rochelle, *Herron, *Kyle, *Cohen, *Williams.

Senate Joint Resolution No. 232 -- Memorials, Academic Achievement - Gail Zasowski, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 233 -- Memorials, Academic Achievement - Amy Nachtrab, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 234 -- Memorials, Academic Achievement - Megan Wesley Rand, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 235 -- Memorials, Academic Achievement - Holly Haworth, Salutatorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 236 -- Memorials, Academic Achievement - Tessie Harrell, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 237 -- Memorials, Academic Achievement - Heather Lodari, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 243 -- Memorials, Academic Achievement - Daniel Bowen, Valedictorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 244 -- Memorials, Academic Achievement - Kelli Renee Boyd, Co-Salutatorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 245 -- Memorials, Academic Achievement - Amanda Marie Carrington, Salutatorian, Gateway Christian School. by *Kyle.

Senate Joint Resolution No. 246 -- Memorials, Academic Achievement - Steven Jermaine Mitchell, Salutatorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Cashundra Nicole Jefferson, Valedictorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 248 -- Memorials, Public Service - Mayor Jon Kinsey of Chattanooga. by *Crutchfield, *Fowler, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Davis L, *Dixon, *Elsa, *Ford J, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 271 -- Memorials, Retirement - Lions Clubs of Tennessee. by *Crowe, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 219 -- Naming and Designating - Names elevated portion on south side of press suite in Legislative Plaza "Bill 'Rocky' Rawlins Press Room." by *Cohen, *Henry, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

House Finance, Ways and Means Committee

***Senate Joint Resolution No. 239** -- Memorials, Congress - Urges fully funding federal commitment to Individual with Disabilities Education Act (IDEA). by *McNally, *Dixon, *Graves, *Williams.

House Finance, Ways and Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2011 -- Dickson - Subject to local approval, authorizes legislative body to levy 5 percent occupancy tax. by *Shepard.

***House Bill No. 2012** -- Gibson County - Pursuant to local request, revises tax rate and borrowing authority of Bradford Special School District. Amends TCA Chapter 153 of the Private Acts of 1917. by *Phelan.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 54** -- Sunset Laws - Board for licensing health care facilities, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Harper. (HB925 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 188** -- Teachers, Principals and School Personnel - Provides that estimates of specific teacher effects and other TCAP test data be provided to teachers not later than five days from end of school year; later data not to be used in teacher evaluations. Amends TCA Section 49-1-606. by *Haynes. (HB1127 by *Davis (Cocke), *Hargett)

***Senate Bill No. 277** -- Workers' Compensation - Changes total and permanent loss of mental faculties from scheduled member injury to injury to body as whole. Amends TCA Title 50, Chapter 6, Part 2. by *Haynes. (HB786 by *Briley, *Pinion)

***Senate Bill No. 527** -- Pharmacy, Pharmacists - Provides for recoupment of payments made by health insurers and HMOs, including those participating in TennCare Program, to pharmacy services providers for care delivered to covered beneficiaries, insureds, or enrollees. Amends TCA Title 56 and Title 71. by *McNally, *Jackson. (HB542 by *Rhinehart, *Shepard)

***Senate Bill No. 1013** -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20. by *Ramsey, *McNally. (HB1555 by *Jones U (Shelby), *Miller L, *Turner (Davidson), *McDaniel, *DeBerry J, *Kent, *Todd)

***Senate Bill No. 1113** -- Consumer Protection - Adds new unfair or deceptive practice of making representations in primary text of solicitation, promotion, advertisement, or other offering that is contradicted in disclosure that is inconspicuous, concealed, or otherwise obscure. Amends TCA Title 47, Chapter 18. by *Herron. (HB1759 by *Sands, *Ridgeway, *Pinion)

***Senate Bill No. 1232** -- TennCare - Proclaims intent of general assembly to stabilize TennCare, to work to assure that health care providers are timely paid, and to insure that health care facilities for urban and rural enrollees remain viable. Amends TCA Title 3; Title 33; Title 36; Title 37; Title 47; Title 56; Title 63; Title 68 and Title 71. by *Cooper J. (HB1273 by *Kisber)

***Senate Bill No. 1467** -- Telecommunications - Enacts "Lifeline/Link Up Services Act." Amends TCA Title 65, Chapter 23. by *Dixon. (HB904 by *Bowers)

***Senate Bill No. 1575** -- Controlled Substances - Makes gamma hydroxybutyric acid Schedule I controlled substance and gamma hydroxybutyric acid contained within FDA approved drug Schedule III; deletes both from Schedule IV; defines and makes criminal analogues of Schedule I or II controlled substance. Amends TCA Title 39, Chapter 13, Part 5 and Title 39, Chapter 17, Part 4. by *McNally, *Trail. (HB1259 by *Shepard)

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***Senate Bill No. 1716** -- Psychologists - Adds senior psychological examiner and certified psychological assistant as new levels of psychological practice for professional counselors, unauthorized practice of medicine, and insurance reimbursement. Amends TCA Title 33; Title 40; Title 56; Title 63 and Title 68. by *McNally, *Henry, *Cooper J. (HB1598 by *Arriola, *McDonald, *Lewis, *Shepard, *Overbey, *Odom, *Armstrong)

***Senate Bill No. 1810** -- Animals and Animal Cruelty - Creates Class E felony offense of aggravated cruelty to animals and establishes additional non-criminal punishment for violators. Amends TCA Title 39, Chapter 14, Part 2. by *Cohen, *Crutchfield, *Person. (HB1716 by *McMillan)

Senate Bill No. 1867 -- Consumer Protection - Extends from four years to five years statute of repose for private civil actions for damages resulting from consumer protection act violation and makes such extension retroactive to private actions arising before effective date. Amends TCA Title 47, Chapter 18, Part 1 and Title 71, Chapter 6, Part 1. by *Herron. (*HB1895 by *Maddox, *Pinion)

Senate Bill No. 1881 -- Education - Increases from 25 to 100 number of teachers reimbursed for national certification fees; awards nationally certified teachers \$2,500 per year; specifies state, local, and federal funds to be used for preschool program purposes; establishes Teaching Scholars Award of Excellence Program. - TCA Title 49. by *Rochelle, *Atchley, *Cooper J, *Clabough, *Williams, *Dixon, *Miller J, *Ramsey. (*HB1921 by *Whitson, *Winningham, *McDaniel, *Head, *Newton, *McKee, *Davis (Cocke), *Towns, *Cooper B)

Senate Bill No. 1894 -- Insurance Companies, Agents, Brokers, Policies - Prohibits health maintenance organizations from advertising or soliciting with information that does not conform to any fact "material" to enrollees, instead of fact "significant" to enrollees; modifies date from March 1 to April 1 when certain persons associated with managed care organizations under TennCare must file disclosure statements with commissioner of health. - Titles 56, 67 and 71 of the TCA. by *McNally. (*HB1926 by *McDaniel)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2008 -- Newbern -- Local Bill Held on House Desk

House Bill No. 2009 -- Pulaski -- Local Bill Held on House Desk

House Bill No. 2010 -- Dickson County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 10, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 14, 2001**: House Bill(s) No(s). 1911, 771, 331, 135, 1214, 1885, 1889, House Joint Resolution(s) No(s). 228, House Bill(s) No(s). 1523, 565, 1382, 1127 and 1622.

The Committee also set the following bill(s) on the **Regular Calendar** for **May 16, 2001**: House Bill(s) No(s). 1891 and 1921.

The Committee further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 14, 2001**: House Bill(s) No(s). 1814, 1204, 901, 893, 1255, 1841, 501, 1534, House Joint Resolution(s) No(s). 40, House Bill(s) No(s). 1597, 930, 1071 and 1611.

CONSENT CALENDAR

House Resolution No. 81 -- Memorials, Recognition - Bettie Irene Fields. by *Rowland.

House Resolution No. 82 -- Memorials, Recognition - Richland Elementary School, "Buds to Blossoms". by *Stanley.

House Joint Resolution No. 335 -- Memorials, Public Service - Public power systems providing electric power service to residents of Tennessee. by *McDonald, *Arriola, *Williams (Williamson), *Bone, *West, *Newton.

House Joint Resolution No. 345 -- Naming and Designating - May, 2001, Stroke Awareness Month. by *Hargrove.

House Joint Resolution No. 359 -- Memorials, Sports - Booker T. Washington High School, 2000-01 TSSAA Class AA Basketball Champions. by *Miller L.

House Joint Resolution No. 360 -- Memorials, Professional Achievement - Carl P. Mayfield, 2001 Academy of Country Music Air Personality of the Year. by *Hood.

House Joint Resolution No. 361 -- Memorials, Death - James E. "Droopy" Edwards. by *Hood.

House Joint Resolution No. 362 -- Memorials, Academic Achievement - Meredith McFarland, Salutatorian, Bartlett High School. by *Hargett, *Pleasant.

House Joint Resolution No. 363 -- Memorials, Academic Achievement - Jennifer Elia, Valedictorian, Bartlett High School. by *Hargett.

House Joint Resolution No. 364 -- Memorials, Personal Achievement - Christopher Rankin, Eagle Scout. by *McCord, *Overbey.

House Joint Resolution No. 365 -- Memorials, Academic Achievement - Jessica Garrett, Salutatorian, Heritage High School. by *Overbey, *McCord.

House Joint Resolution No. 366 -- Memorials, Academic Achievement - Anna Marie Ruckgaber, 3rd place in Humanities Tennessee Letters about Literature Contest. by *McKee.

House Joint Resolution No. 367 -- Memorials, Personal Occasion - James L. Exum, 60th birthday. by *Kisber, *McDaniel, *Naifeh.

House Joint Resolution No. 368 -- Memorials, Death - Horace Oliver Porter of Columbia. by *Sands.

Senate Joint Resolution No. 255 -- Memorials, Academic Achievement - Eric Beaty. by *Graves, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Rep. Hood moved that all members voting aye on House Joint Resolution(s) No(s). 360 and 361 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 345: by Rep. Hargrove

Under the rules, House Joint Resolution No. 345 was/were placed at the foot of the calendar for May 14, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 875 -- Insurance, Health, Accident - Enacts "Access to Health Carriers' Payment Policies, Rules and Fee Schedules Act." Amends TCA Title 56. by *Kisber, *Jones, S.. (*SB333 by *Clabough)

On motion, House Bill No. 875 was reset for the Regular Calendar on May 14, 2001, which motion prevailed.

House Bill No. 1859 -- Highway Signs - Prohibits erection of new highway sign structure in which two or more displays are stacked one above other; stacked signs existing on or before effective date of act not to be deemed non-conforming until such sign's structure is modified, repaired, replaced, or rebuilt; structures with more than one display are allowed if size does not exceed statutory limits. Amends TCA Title 54, Chapter 21. by *McCord. (*SB1565 by *Ramsey)

Further consideration of House Bill No. 1859 previously considered on May 3, 2001, at which time it was reset for today's Calendar.

Rep. McCord moved that House Bill No. 1859 be reset for the Regular Calendar on May 24, 2001, which motion prevailed.

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer, *Ridgeway, *Shepard, *Pinion, *Roach, *McKee, *Briley. (*SB1717 by *McNally, *Herron)

Further consideration of House Bill No. 1678 previously considered on April 23, 2001 and May 3, 2001, at which time the House adopted Amendment(s) No(s). 1, withdrew Amendment(s) No(s). 2 and 3 and reset the bill for today's Calendar.

Rep. Maddox moved that House Bill No. 1678, as amended, be passed on third and final consideration.

Rep. Miller requested that Amendment No. 4 be placed at the heel of the Amendments.

Rep. Maddox requested that House Bill No. 1678 be moved down 7 places on the Calendar.

***House Bill No. 376** -- Local Government, General - Provides for sharing of proceeds from leases, loan agreements, sales contracts, or other operating contracts with public building authorities among all school districts in county. Amends TCA Title 12, Chapter 10. by *Overbey, *Johnson. (SB589 by *Miller J)

Further consideration of House Bill No. 376 previously considered on April 25, 2001 and May 3, 2001, at which time it was reset for today's Calendar.

Rep. Overbey moved that House Bill No. 376 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 376 by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 12-10-115, is hereby amended by redesignating present subsection (c) to be subsection (d) and adding the following new subsection (c):

(c)(i) Proceeds received from a lease, loan agreement, sales contract or operating contract with a public building authority or other contracting party under provisions of this chapter for school capital outlay purposes by a municipal corporation that is a county or metropolitan government within which an incorporated city or town or a special school district operates a school system shall be shared with such incorporated city or town or special school district system on the same basis as the proceeds of bonds issued pursuant to Title 49, Chapter 3, Part 10 are shared. The trustee of the county or treasurer of the metropolitan government shall pay over to the treasurer of the incorporated city or town or the special school district that amount of the proceeds which bears the same ratio to the entire amount of proceeds, net of all costs incurred in connection with the execution and delivery of the lease, loan agreement, sales contract or operating contract and any bonds or notes of the public building authority issued in connection with such lease, loan agreement, sales contract or operating contract, as the average daily attendance of the incorporated city or town or special school district for the year ending June 30 immediately preceding the receipt of the proceeds bears to the average daily attendance of the entire county or metropolitan government for the year ending June 30 immediately preceding the receipt of the proceeds. No proceeds to be shared hereunder shall be required to be disbursed to the incorporated city or town or special school district until the time the county or metropolitan government actually receives the proceeds of the lease, loan agreement, sales contract, or operating contract.

(ii) The governing body of any such incorporated city or town or special school district may, by resolution regularly adopted, waive its right to all or a portion of any funds due under the provisions of this subsection (c).

(iii) In lieu of the levy and collection of the tax required pursuant to subsection (a) of this section, a county or metropolitan government may provide for the payment of the amounts due under such lease, loan agreement, sales contract or operating contract by levying a tax only on that portion of the taxable property within the county or metropolitan government lying outside the territorial limits of the incorporated city or town or special school district independently operating their schools, and may in addition pledge and use for such purpose the proceeds of the county's or metropolitan government's share of the sales tax distributed under the provisions of Title 67, Chapter 6 or, a portion of the non-classroom component of the basic education program funding generated for capital outlay purposes. In such event, the proceeds of the lease, loan agreement, sales contract or operating contract shall not be required to be shared with any incorporated city or town or special school district school system.

(iv) the proceeds of any lease, loan agreement, sales contract or operating contract executed and delivered pursuant to this chapter to refund outstanding obligations issued by a county or metropolitan government for school capital outlay purposes shall not be required to be shared as provided herein, unless the outstanding obligations to be refunded were payable as provided in subdivision (c)(iii) of this section and the lease, loan agreement, sales contract or operating contract executed and delivered to accomplish such refunding is payable from taxes to be levied on all taxable property in the county or metropolitan government.

By redesignating Sections 3 and 4 as Sections 4 and 5, respectively, and by adding a new Section 3 as follows:

SECTION 3. The provisions of Section 12-10-115(c) are not applicable in counties and metropolitan governments having a population in excess of eight hundred thousand (800,000) according to the 1990 federal census or any subsequent federal census, or any municipality within such county served by a municipal or special school district.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Overbey moved that **House Bill No. 376**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	1
Present and not voting	1

THURSDAY, MAY 10, 2001 – THIRTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Bone -- 1.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

House Bill No. 1721 -- Physicians and Surgeons - Enacts "Access to Medical Treatment Act." Amends TCA Title 63. by "DeBerry L. (*SB1582 by "Ford J)

Rep. L. DeBerry moved that House Bill No. 1721 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1721 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding a new section thereto, as follows:

Section 63-6-232. All disciplinary complaints filed against a chelation therapist shall be judged by the standard of medical care in the community where such complaint originated.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **House Bill No. 1721**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

THURSDAY, MAY 10, 2001 – THIRTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Odom -- 1.

A motion to reconsider was tabled.

House Bill No. 984 -- Alcoholic Beverages - Authorizes alcoholic beverage commission, upon payment of reasonable copying fee, to issue replacement employee permit card to person qualified to be issued employee permit which is still valid. Amends TCA Title 57, Chapter 3. by *Arriola. (*SB1025 by *Ramsey)

Rep. Arriola moved that House Bill No. 984 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 984 by inserting in the amendatory language of Section 1 the language "or server" between the words "employee" and "permit".

AND FURTHER AMEND and adding the following language at the end of the amendatory language of SECTION 1:

Employee and server permit cards are hereby declared the property of the employee or server to whom they have been issued; licensed establishments shall only require a server or employee to provide a copy of such cards for keeping by the establishment.

AND FURTHER AMEND by adding the following as new sections and renumbering the existing section appropriately:

SECTION 2. Tennessee Code Annotated, Section 57-3-704(5), is amended by changing the semi-colon after the word "awareness" to a period and adding the following language:

If, in the determination of the commission, a state other than Tennessee is deemed to have an adequate program of alcohol awareness training, then the successful completion of such training in that state within one (1) year prior to the submission of an application to the commission for a server permit shall satisfy the requirement of alcohol awareness training;

SECTION 3. Tennessee Code Annotated, Section 57-3-708, is amended by deleting the language "three (3)" and substituting the language "five (5)".

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Arriola moved that **House Bill No. 984**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Ferguson -- 1.

A motion to reconsider was tabled.

House Bill No. 912 -- Historical Commission - Directs Tennessee Historical Commission to place historical marker at Ringo Cemetery, Lincoln County, which was established June 2, 1871, as burial ground for deceased African Americans. by *Phillips. (*SB1251 by *Cooper J, *Harper)

Rep. Phillips moved that House Bill No. 912 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 912 by adding the following new, appropriately designated section immediately preceding the effective date section:

SECTION ____ This act shall become operative only if Lincoln County, Tennessee remits the estimated cost of the erection of such plaque to the Tennessee historical commission within one (1) year of the effective date of this act. Lincoln County shall make such payment prior to any expenditure by the state for manufacture or installation of such plaque. The commission shall return any unused portion of the estimated cost to Lincoln County within thirty (30) days of the erection of such plaque. If the actual cost exceeds the estimated cost, Lincoln County shall remit an amount equal to the difference in such costs to the commission within thirty (30) days of receiving an itemized invoice of the actual cost from the commission.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Phillips moved that **House Bill No. 912**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Joint Resolution No. 121 -- Naming and Designating - Names Administration Building at new Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of former Shelbyville Fire Chief Garland King. by *Phillips.

Rep. Phillips moved that House Joint Resolution No. 121 be adopted.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 121 by adding the following new resolving clause immediately preceding the last resolving clause:

BE IT FURTHER RESOLVED, That this resolution shall become operative only if Bedford County, Tennessee remits the estimated cost of the erection of such signs to the state fire marshal within one (1) year of the effective date of this act. Bedford County shall make such payment prior to any expenditure by the state fire marshal for manufacture or installation of such signs. The state fire marshal shall return any unused portion of the estimated cost to Bedford County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Bedford County shall remit an amount equal to the difference in such costs to the state fire marshal within thirty (30) days of receiving an itemized invoice of the actual cost from the state fire marshal.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Phillips moved that **House Joint Resolution No. 121**, as amended, be adopted, which motion prevailed by the following vote:

Ayes97
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Joint Resolution No. 145 -- Naming and Designating - Names fire station at new Fire Service and Codes Enforcement Academy in Bedford County in honor of Fayetteville Fire Chief Robert Strobe. by *Phillips.

Rep. Phillips moved that House Joint Resolution No. 145 be adopted.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 145 by adding the following new resolving clause immediately preceding the last resolving clause:

BE IT FURTHER RESOLVED, That this resolution shall become operative only if Lincoln County, Tennessee remits the estimated cost of the erection of such signs to the state fire marshal within one (1) year of the effective date of this act. Lincoln County shall make such payment prior to any expenditure by the state fire marshal for manufacture or installation of such signs. The state fire marshal shall return any unused portion of the estimated cost to Lincoln County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Lincoln County shall remit an amount equal to the difference in such costs to the state fire marshal within thirty (30) days of receiving an itemized invoice of the actual cost from the state fire marshal.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Phillips moved that **House Joint Resolution No. 145**, as amended, be adopted, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 825** -- Highway Signs - Directs department of transportation to erect additional three panel extension to specific service signs; allows businesses qualified under service sign program to continue as qualified. Amends TCA Title 54, Chapter 5, Part 11. by *Ridgeway. (SB1256 by *Cooper J)

On motion, House Bill No. 825 was made to conform with **Senate Bill No. 1256**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that Senate Bill No. 1256 be passed on third and final consideration.

On motion, Rep. Fowlkes withdrew Transportation Committee Amendment No. 1.

Rep. Ridgeway moved that **Senate Bill No. 1256** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer, *Ridgeway, *Shepard, *Pinion, *Roach, *McKee, *Briley. (*SB1717 by *McNally, *Herron)

Further consideration of House Bill No. 1678 previously considered on today's Calendar.

Rep. Williams moved that House Bill No. 1678 be reset for the Regular Calendar on May 16, 2001, which motion prevailed.

***House Bill No. 581** -- Local Education Agency - Restricts ability of school boards to extend school directors' contracts or appoint new directors within twelve months of elections in which majority of present board members' terms will expire. Amends TCA Section 49-2-203. by *Winningham. (SB1458 by *Davis L)

Rep. Winningham moved that House Bill No. 581 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

Rep. Winningham moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 581 by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(15)(A), is amended by inserting the following two sentence between the present first and second sentences:

No school board, however, may either terminate, without cause, or enter into a contract with any director of schools during a period extending from forty-five (45) days prior to the general school board election until thirty (30) days following such election. Any vacancy in the office of the director which occurs within this period shall be filled on a temporary basis, not extending beyond sixty (60) days following the general school board election. An option to renew a contract which exists on the effective date of this act may be exercised within the time period set out in this subdivision.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Committee Amendment No. 2 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Winningham moved that **House Bill No. 581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Rhinehart -- 1.

A motion to reconsider was tabled.

House Bill No. 1242 -- Autopsies - Enacts "Sudden, Unexplained Child Death Act." Amends TCA Title 68, Chapter 1, Part 11; Title 68, Chapter 142 and Title 68, Chapter 3, Part 5. by *Caldwell. (*SB329 by *Clabough)

Rep. Caldwell moved that House Bill No. 1242 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1242 by deleting the amendatory subsection 68-1-1102(m) from Section 2 of the printed bill.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Caldwell moved that **House Bill No. 1242**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1896** -- Physicians and Surgeons - Enacts "Intractable Pain Treatment Act." Amends TCA Title 39, Title 53, Title 63 and Title 68. by *Maddox. (SB1869 by *Herron)

Rep. Maddox moved that House Bill No. 1896 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1896 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Sections 2 through 11, inclusive as a new part to be appropriately designated.

SECTION 2. This part may be known and cited as the "Intractable Pain Treatment Act".

SECTION 3. For the purposes of this part:

(1) "Board" means the board of medical examiners.

(2) "Chemical dependency" means:

(A) the abuse of alcohol or a controlled substance;

(B) a pathological use of alcohol or a controlled substance that chronically impairs the applicant's ability to competently provide legal advice or services; or

(C) a physiological or physical dependence on alcohol or a controlled substance.

(3) "Intractable pain" means a pain state in which the cause of the pain cannot be removed or otherwise treated and which in the generally accepted course of medical practice no relief or cure of the cause of the pain is possible or none has been found after reasonable efforts.

(4) "Physician" means a physician licensee of the board of medical examiners.

SECTION 4. The general assembly finds and declares all of the following:

(a) The state has a right and duty to control the illegal use of opiate drugs

(b) Inadequate treatment of acute and chronic pain originating from cancer or non-cancerous conditions is a significant health problem.

(c) For some patients, pain management is the single most important treatment a physician can provide.

(d) A patient suffering from severe chronic intractable pain should have access to proper treatment of his or her pain.

(e) Due to the complexity of their problems, many patients suffering from severe chronic intractable pain may require referral to a physician with expertise in the treatment of severe chronic intractable pain. In some cases, severe chronic intractable pain is best treated by a team of clinicians in order to address the associated physical, psychological, social, and vocational issues.

(f) In the hands of knowledgeable, ethical, and experienced pain management practitioners, opiates administered for severe acute and severe chronic intractable pain can be safe.

(g) Opiates can be an accepted treatment for patients in severe chronic intractable pain who have not obtained relief from any other means of treatment.

(h) A patient suffering from severe chronic intractable pain has the option to request or reject the use of any or all modalities to relieve his or her severe chronic intractable pain.

(i) A physician treating a patient who suffers from severe chronic intractable pain may prescribe a dosage deemed medically necessary to relieve severe chronic intractable pain as long as the prescribing is in conformance with the provisions of this part.

(j) A patient who suffers from severe chronic intractable pain has the option to choose opiate medication for the treatment of the severe chronic intractable pain as long as the prescribing is in conformance with the provisions of this part.

(k) The patient's physician may refuse to prescribe opiate medication for a patient who requests the treatment for severe chronic intractable pain. However, that physician shall inform the patient that there are physicians who specialize in the treatment of severe chronic intractable pain with methods that include the use of opiates.

SECTION 5. This section may be known and cited as the "Pain Patient's Bill of Rights".

(a) A patient suffering from severe chronic intractable pain has the option to request or reject the use of any or all modalities in order to relieve his or her severe chronic intractable pain.

(b) A patient who suffers from severe chronic intractable pain has the option to choose opiate medications to relieve severe chronic intractable pain without first having to submit to an invasive medical procedure, which is defined as surgery, destruction of a nerve or other body tissue by manipulation, or the implantation of a drug delivery system or device, as long as the prescribing physician acts in conformance with the provisions of this part.

(c) The patient's physician may refuse to prescribe opiate medication for the patient who requests a treatment for severe chronic intractable pain. However, that physician shall inform the patient that there are physicians who specialize in the treatment of severe chronic intractable pain with methods that include the use of opiates.

(d) A physician who uses opiate therapy to relieve severe chronic intractable pain may prescribe a dosage deemed medically necessary to relieve severe chronic intractable pain, as long as that prescribing is in conformance with this part.

(e) A patient may voluntarily request that his or her physician provide an identifying notice of the prescription for purposes of emergency treatment or law enforcement identification.

(f) Nothing in this section shall do either of the following:

(1) Limit any reporting or disciplinary provisions applicable to licensed physicians and surgeons who violate prescribing practices or other provisions set forth in Tennessee Code Annotated, Title 63, Chapter 6, or the regulations adopted thereunder.

(2) Limit the applicability of any federal statute or federal regulation or any of the other statutes or regulations of this state that regulate dangerous drugs or controlled substances.

SECTION 6. Notwithstanding any other provision of law, a physician may prescribe or administer dangerous drugs or controlled substances to a person in the course of the physician's treatment of a person for intractable pain to provide adequate pain treatment.

SECTION 7. (a) No physician may be subject to disciplinary action by the board for prescribing or administering dangerous drugs or controlled substances in the course of treatment of a person for intractable pain.

(b) The board is authorized to set by rule guidelines to govern treatment under this part. Such guidelines may include requirements for documented medical history, written treatment plans, discussion of benefits and risks of the treatment, periodic review, and the keeping of appropriate records. Such guidelines may be in addition to specific requirements for persons with substance abuse issues governed by Section 9 of this part.

SECTION 8. (a) Notwithstanding any other provision of this part, subsections (c) and (d) of this section shall govern the treatment of persons for chemical dependency by a physician because of their use of dangerous drugs or controlled substances.

(b) The provisions of this part provide no authority to a physician to prescribe or administer dangerous drugs or controlled substances to a person for other than legitimate medical purposes as defined by the board and who the physician knows or should know to be using drugs for nontherapeutic purposes.

(c) The provisions of this part authorize a physician to treat a patient who develops an acute or chronic painful medical condition with a dangerous drug or a controlled substance to relieve the patient's pain using appropriate doses, for an appropriate length of time, and for as long as the pain persists. A patient under this subsection includes a person who:

(1) is a current drug abuser;

(2) is not currently abusing drugs but has a history of drug abuse; or

(3) lives in an environment that poses a risk for drug misuse or diversion of the drug to illegitimate use.

(d) A physician who treats a patient under subsection (c) of this section shall monitor the patient to ensure the prescribed dangerous drug or controlled substance is used only for the treatment of the patient's painful medical condition. To ensure that the prescribed dangerous drug or controlled substance is not being diverted to another use and the appropriateness of the treatment of the patient's targeted symptoms, the physician shall:

(1) specifically document:

(A) the understanding between the physician and patient about the patient's prescribed treatment;

(B) the name of the drug prescribed;

(C) the dosage and method of taking the prescribed drug;

(D) the number of dose units prescribed; and

(E) the frequency of prescribing and dispensing the drug; and

(2) consult with a psychologist, psychiatrist, expert in the treatment of addictions, or other health care professional, as appropriate.

SECTION 9. Nothing in this part shall deny the right of the board of medical examiners to cancel, revoke, or suspend the license of any physician who:

(1) prescribes, administers, or dispenses a drug or treatment for other than legitimate medical purposes as defined by the board and that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed;

(2) fails to keep complete and accurate records of purchases and disposals of drugs as provided by law, or of controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C.A. Section 801 et seq. (Public Law 91-513), including records of:

(A) the date of purchase;

(B) the sale or disposal of the drugs by the physician;

(C) the name and address of the person receiving the drugs; and

(D) the reason for the disposal of or the dispensing of the drugs to the person;

(3) writes false or fictitious prescriptions for dangerous drugs, for controlled substances scheduled in the Tennessee Drug Act, Tennessee Code Annotated, Title 39, Chapter 17, Part 4, or for controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C.A. Section 801 et seq. (Public Law 91-513); or

(4) prescribes, administers, or dispenses in a manner not consistent with public health and welfare dangerous drugs under Tennessee Code Annotated, Title 39, Chapter 17, Part 4, controlled substances scheduled in the Tennessee Drug Act, Tennessee Code Annotated, Title 39, Chapter 17, Part 4, or controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C.A. Section 801 et seq. (Public Law 91-513).

SECTION 10. This act is not intended nor shall it be interpreted to allow for the prescription of any illegal substance to any patient or person at any time in violation of federal law.

SECTION 11. The board of medical examiners is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5. Existing rules not inconsistent with the provisions of this act shall remain in effect until modified by the board.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Maddox moved that **House Bill No. 1896**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	78
Noes	9
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kernell, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Bittle, Clem, Goins, Kent, Scroggs, Vincent, Walker, Windle, Wood -- 9.

Representatives present and not voting were: Black, Brown, Dunn, Pleasant, Rhinehart - 5.

A motion to reconsider was tabled.

House Bill No. 1633 -- Hospitals and Health Care Facilities - Establishes AIDS centers of excellence advisory committee. Amends TCA Title 68. by *Bowers, *Arriola. (*SB681 by *Ford J)

Rep. Bowers moved that House Bill No. 1633 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1633 by deleting the word "The" and by adding the following language to the amendatory language of Section 1(a), immediately before the words "commissioner shall":

THURSDAY, MAY 10, 2001 – THIRTY-SEVENTH LEGISLATIVE DAY

Subject to annual appropriations made available to the state by the United States Public Health Service through Part B (Title II) of the Ryan White CARE Act (42 U.S.C. §§300ff-21 through-et seq.), the

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 2.

On motion, Rep. Head withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep. Bowers moved that **House Bill No. 1633**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	15
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rowland, Sands, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Baird, Beavers, Bittle, Bunch, Clem, Goins, Hargett, Kent, Montgomery, Roach, Scroggs, Sharp, Todd, Vincent, Wood -- 15.

Representatives present and not voting were: Davis (Washington) -- 1.

A motion to reconsider was tabled.

***House Bill No. 538** -- Water - Clarifies that wastewater regulations not adopted pursuant to Water Quality Control Act do not require approval by commissioner of environment and conservation or any entity other than local water or wastewater treatment authority. Amends TCA Section 5-6-120 and Title 68, Chapter 221, Part 6. by *Bone. (SB1513 by *Rochelle)

Rep. Bone moved that House Bill No. 538 be passed on third and final consideration.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 538 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-221-607(16), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(16) Adopt by majority vote of the board, regulations including but not limited to requirements for the posting of performance bonds and maintenance bonds, governing the operation and maintenance of nontraditional sewage disposal systems. The phrase "nontraditional sewage disposal systems" does not include subsurface sewage disposal systems that are subject to the permitting requirements of part 4 of this chapter, nor to wastewater collection and disposal systems that are owned or operated by a governmental entity. The provisions of the Water Quality Control Act, Section 69-3-101 et seq., and regulations adopted thereunder shall prevail over any such regulations of an authority in the event of a conflict.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Bone moved that **House Bill No. 538**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

***House Bill No. 1387** -- Physicians and Surgeons - Authorizes licensing boards to discipline health care and emergency medicine licensees for offenses in other states that could be disciplined if committed in Tennessee. Amends TCA Section 63-1-120 and Section 68-140-511. by *Boyer, *Ford S. (SB1664 by *Fowler, *Clabough)

Rep. Boyer moved that House Bill No. 1387 be passed on third and final consideration.

THURSDAY, MAY 10, 2001 – THIRTY-SEVENTH LEGISLATIVE DAY

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1387 by deleting the first sentence in Section 2 in its entirety and by substituting instead the following:

() With respect to any person required to be licensed, permitted, certified or authorized by any board, council, committee or agency created pursuant to title 63, chapters 4, 5, 7, 9, 11 and 12, and title 68, chapter 140, attached to the division of health related boards, such board, council, committee or agency may deny an application for licensure, certification, permit or authorization permanently withhold issuance of licensure, certification, permit or authorization, suspend or limit or restrict previously issued licensure, certification, permit or authorization or otherwise discipline a license, certificate, permit or authorization if the applicant, or licensee, or certificate or permit holder has been disciplined by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed, certified, permitted or authorized in this state.

AND FURTHER AMEND in Section 2 by adding the following new appropriately designated subsection:

() In disciplinary actions against individuals holding a license, certificate, permit or authorization in this state at the time of a disciplinary action in another reporting state or territory, in the absence of justifying evidence to the contrary, there shall be a rebuttable presumption that the sanction proposed in any such proceeding will be comparable to that in the reporting state or territory. However, no such presumption shall exist for those who are applying for licensure, certification, permit or authorization in this state during or after the time the disciplinary action in the other state or territory is pending or has become final. If a board, council, committee or agency created pursuant to title 63, chapters 4, 5, 7, 9, 11 and 12, or title 68, chapter 140, denies, restricts or conditions a licensure, certification, permit or authorization based on a disciplinary action in another state or territory, the applicant shall, upon written request, filed within thirty (30) days of the date of the action on the application, be entitled to a contested case hearing.

AND FURTHER AMEND in Section 3 by adding the following new appropriately designated subsection:

() In disciplinary actions against individuals holding a license, certificate, permit or authorization in this state at the time of a disciplinary action in another reporting state or territory, in the absence of justifying evidence to the contrary, there shall be a rebuttable presumption that the sanction proposed in any such proceeding will be comparable to that in the reporting state or territory. However, no such presumption shall exist for those who are applying for licensure, certification, permit or authorization in this state during or after the time the disciplinary action in the other state or territory is pending or has become final. If the board denies, restricts or conditions a licensure, certification, permit or authorization based on a disciplinary action in another state or territory, the applicant shall, upon written request, filed within thirty (30) days of the date of the action on the application, be entitled to a contested case hearing.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Boyer moved that **House Bill No. 1387**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1413** -- Highways, Roads and Bridges - Increases speed limit on controlled access highways with four or more lanes from 65 to 70 mph; establishes minimum speed of 55 mph on controlled access highways with four or more lanes. Amends TCA Title 55, Chapter 8. by *Buttry, *Ford S. (SB1691 by *Haun, *Atchley, *Cohen, *Cooper J)

On motion, House Bill No. 1413 was made to conform with **Senate Bill No. 1691**; the Senate Bill was substituted for the House Bill.

THURSDAY, MAY 10, 2001 – THIRTY-SEVENTH LEGISLATIVE DAY

Rep. Buttry moved that **Senate Bill No. 1691** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 68** -- Sunset Laws - Tennessee tollway authority, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 54, Chapter 15. by *Harper. (HB962 by *Kernell, *Brooks, *Cooper B)

Further consideration of Senate Bill No. 68 previously considered on May 3, 2001, at which time it was reset for today's Message Calendar.

Rep. Kernell moved that Senate Bill No. 68 be held on the Clerk's desk, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Without objection, Rep. Davidson moved that the rules be suspended to allow **House Bill(s) No(s). 244, 847, 917, 1229, 716, 1749, 1755, 1531 and 1278**, placed on the Calendar for the House Committee on Calendar and Rules on Thursday, May 17, 2001 to be reset for the Committee's Calendar for Tuesday, May 15, 2001.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 14, 2001:

House Bill No. 1652: by Rep. Briley

House Bill No. 804: by Rep. Davidson

House Bill No. 1703: by Rep. Tindell

ANNOUNCEMENTS

MOTION TO ADOPT REVISED HOUSE SCHEDULE

Rep. Davidson moved that the House convene at 4:00 p.m. on Monday, May 14, 2001, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2010: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 2011: Rep(s). Ridgeway as prime sponsor(s).

ENROLLED BILLS

May 10, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 331, 350, 351, 352, 353, 354, 355, 356 and 357.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 10, 2001

The Speaker signed the following: House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 331, 350, 351, 352, 353, 354, 355, 356 and 357.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 331, 350, 351, 352, 353, 354, 355, 356 and 357; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 10, 2001

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 331, 350, 351, 352, 353, 354, 355, 356 and 357.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 251; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 10, 2001

The Speaker signed the following: Senate Joint Resolution(s) No(s). 251.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 187, 369; also, Senate Joint Resolution(s) No(s). 231 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 10, 2001

The Speaker signed the following: Senate Bill(s) No(s). 187, 369; also, Senate Joint Resolution(s) No(s). 231.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1039 and 1182; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1267; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 470; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 384 and 1089; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1374 and 1409; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 325, 326, 328, 329, 330, 332, 334, 336 and 338; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 799.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 2.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

May 10, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 376, 538, 581, 912, 984, 1242, 1387, 1633, 1721, 1896, also, House Joint Resolution(s) No(s). 121, 145, 335, 359, 360, 361, 362, 363, 364, 365, 366, 367 and 368.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 58, 249, 635, 1112, 1543, 1633, 1689, 1750, 1887 and 1960; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 58** -- Sunset Laws - Tennessee higher education commission, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by *Harper. (HB974 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 249** -- Cemeteries - Subjects to taxation income from charitable cemetery trust for perpetual care for private cemeteries when income exceeds \$100,000 instead of \$50,000 under present law. Amends TCA Section 46-7-102 and Section 67-2-104. by *Crowe. (HB475 by *Mumpower)

***Senate Bill No. 635** -- Workers' Compensation - Removes requirement that physicians on panel of three selected by employer not be associated together in practice. Amends TCA Section 50-6-204. by *Clabough. (HB1214 by *Head, *Curtiss)

***Senate Bill No. 1112** -- Consumer Protection - Enacts "Prohibition Against Misleading and Deceptive Mailings Act." Amends TCA Title 47, Chapter 18. by *Herron. (HB1758 by *Sands, *Ridgeway, *Pinion)

***Senate Bill No. 1543** -- Historical Sites and Preservation - Transfers jurisdiction and control of Chucalissa Indian Village and Museum from University of Memphis to department of environment and conservation. by *Dixon. (HB1173 by *Cooper B, *Turner (Shelby), *Shaw, *Bowers, *Armstrong, *Jones U (Shelby), *Miller L, *Langster, *DeBerry L)

Senate Bill No. 1633 -- Fees - Increases permit fees for retail food stores, tattoo parlors, hotels, food service establishments, public swimming pools, bed and breakfasts, and organized camps over three-year period; conveys percentage of fees to state and county departments of health; creates advisory committee in regard to certain establishments. Amends TCA Title 53, Chapter 8, Title 62, Chapter 38, and Title 68, Chapters 14 and 110. by *Clabough, *Atchley. (*HB1356 by *McDaniel, *Davidson, *Kisber)

Senate Bill No. 1689 -- Insurance, Health, Accident - Expands special enrollment periods under Health Insurance Portability, Availability and Renewability Act requiring group health insurers and plans to permit employees to enroll for coverage under employer's group health insurance policy or plan when other coverage is lost, to include an employee and dependent who are no longer eligible for TennCare. Amends TCA Title 56-7-2803. by *Atchley, *Clabough. (*HB1411 by *Hargett, *Boyer)

Senate Bill No. 1750 -- Water - Sets up account as part of solid waste management fund to provide public water supply to rural areas of Tennessee. Amends TCA Title 68, Chapter 221. by *Davis L, *Rochelle, *Graves, *Burks. (*HB1500 by *McDonald)

Senate Bill No. 1887 -- Transportation, Dept. of - Requires department approval to open newly constructed or converted railroad crossings to vehicular traffic. Amends TCATitle 65, Chapter 11. by *Haun. (*HB1914 by *Newton)

Senate Bill No. 1960 -- Appropriations - Creates continuing appropriations to service debt for state funding board, state school bond authority, local development authority, housing development agency, and public higher education entities. Amends TCA Title 9. by *Henry. (*HB1991 by *Kisber)

MESSAGE FROM THE GOVERNOR
May 10, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 175, 258, 294, 357, 488, 577, 619, 732, 861, 864, 903, 1040, 1134, 1200, 1245, 1300, 1301, 1317, 1392, 1412, 1704, 1922, 1989, 1995, also, House Joint Resolution(s) No(s). 309, 310, 340, 350, 351, 352, 353, 354, 355, 356 and 357; with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
May 10, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 181, 265, 266, 267, 268, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305, 306 and 311, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 25, 136, 304, 1069, 1256, 1355, 1691; also, Senate Joint Resolution(s) No(s). 255 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 10, 2001

The Speaker signed the following: Senate Bill(s) No(s). 25, 136, 304, 1069, 1256, 1355, 1691; also, Senate Joint Resolution(s) No(s). 255.

ENROLLED BILLS

May 10, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 384, 470, 784, 914, 1039, 1089, 1177, 1182, 1309, 1374, 1409, 1576, 1620; House Joint Resolution(s) No(s). 325, 326, 328, 329, 330, 332, 334, 336, 338; also, House Resolution(s) No(s). 81 and 82.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 10, 2001

The Speaker signed the following: House Bill(s) No(s). 384, 470, 784, 914, 1039, 1089, 1177, 1182, 1309, 1374, 1409, 1576, 1620; House Joint Resolution(s) No(s). 325, 326, 328, 329, 330, 332, 334, 336, 338; also, House Resolution(s) No(s). 81 and 82.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 10, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 384, 470, 784, 914, 1039, 1089, 1177, 1182, 1309, 1374, 1409, 1576, 1620; also, House Joint Resolution(s) No(s). 325, 326, 328, 329, 330, 332, 334, 336 and 338; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

CONSENT CALENDAR

May 10, 2001

The following local bills have been placed on the Consent Calendar for **May 14, 2001**: House Bill(s) No(s). 2007, 2003, 2004, 2008, 2009 and 2010.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 4:00 p.m., Monday, May 14, 2001.